## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION CIVIL CASE NO. 1:21-cv-00003-MR

RAMAR DION BENJAMIN CRUMP,	)
Plaintiff,	)
vs.	)
FNU DOTSON, et al.,	) ORDER
Defendants.	)

**THIS MATTER** is before the Court *sua sponte*.

The *pro* se Plaintiff filed this action pursuant to 42 U.S.C. § 1983 while he was incarcerated at the Marion Correctional Institution. [Doc. 1]. On August 18, 2021, mail from the Court to the Plaintiff was returned as undeliverable; the envelope was stamped "return to sender, no such number, unable to forward." [Doc. 13]. On August 26, 2021, the Court issued an Order requiring the Plaintiff to update his address of record and inform the Court whether he intends to proceed with this action within 10 days. [Doc. 14]. The Plaintiff was cautioned that, should he fail to timely comply with the Order, the action would be dismissed without prejudice and closed without further notice. [Id.]. The August 26 Order was returned from Marion CI as

undeliverable with a handwritten notation "offender was released 8/27/21."

[Doc. 15].

Plaintiff has failed to respond to the August 26 Order, and the time to

do so has expired. Plaintiff appears to have abandoned this action, and the

Court is unable to proceed. This case will therefore be dismissed without

prejudice. See Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to

comply with these rules or a court order, a defendant may move to dismiss

the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626,

630-33 (1962) (although Rule 41(b) does not expressly provide for sua

sponte dismissal, Rule 41(b) does not imply any such restriction and a court

has the inherent power to dismiss a case for lack of prosecution or violation

of a court order).

IT IS, THEREFORE, ORDERED that this action is DISMISSED

WITHOUT PREJUDICE.

The Clerk of Court is respectfully directed to terminate this action.

IT IS SO ORDERED.

Signed: September 17, 2021

Martin Reidinger

Chief United States District Judge